

The Connecticut General Assembly

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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: July 24, 2012

Regulation No:	2012-28
Agency:	Department of Social Services
Subject Matter:	Non-Emergency Dental Services for Medicaid Clients
Statutory Authority: (copy attached)	17b-282d

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

1. On page 1, in section 17b-262-863, the agency has defined several terms that are not used in the regulation. It is not clear whether this is due to an oversight, or whether the agency has omitted provisions it intended to include.
2. On page 4, in section 17b-262-864, the terms "cosmetic dentistry", "unilateral removable devices" and "orthodontia" are not defined. A definition should be provided as such terms are susceptible to multiple meanings.

3. On page 5, in section 17b-262-865(d), it is not clear whether "denture prosthesis", which is an undefined term, has the same meaning as "dentures", which is defined on page 2 in section 17b-262-863(6). If the meaning is the same, the defined term should be used in section 17b-262-865(d) for clarity and internal consistency.
4. On page 5, in the last sentence of section 17b-262-866(b), it is not stated who is delineating restrictions for clients and therefore the meaning of this sentence is unclear.
5. On page 6, in section 17b-262-866(e), no procedure is given or referenced for requesting an administrative hearing with the agency. The agency has stated that an administrative hearing is available if it denied a request for prior authorization, but it does not specify or reference a procedure for such hearing.

Technical Corrections:

1. On page 1, in section 17b-262-862, the last two sentences should be deleted for clarity. These sentences are redundant because the regulations cover "dental services", which are defined as "any service provided by or under the direct or indirect supervision of a licensed dentist".
2. On page 2, in section 17b-262-863(15), the definition of "healthy adult" should be deleted for clarity because this term is not used in the regulations and is defined in the authorizing statute, section 17b-282d of the general statutes.
3. On page 3, in section 17b-262-863(18), "or 'medically necessary'" should be deleted for clarity because this term is not used in the regulations.
4. On page 3, in section 17b-262-863(23), the term "periapical radiographs" is not used in the regulations and should either be deleted or changed to "periapical x-rays", which is used in the regulations, for clarity and consistency.
5. On page 3, in section 17b-262-863(26), the definition of "professional services" should be deleted for clarity because this term is not used in the regulations.
6. On page 4, in lines 2 and 4 of section 17b-262-865, "below" should be changed to "in this section" for proper form and clarity.
7. On page 5, in section 17b-262-865(c)(1), "fluoride application" should be changed to "fluoride treatment" for consistency with the defined term.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part X Rejection without prejudice</p>

Reviewed by: Allison McKeen / Shannon McCarthy

Date: July 12, 2012

From 2012 Supplement

Sec. 17b-282d. Commissioner to modify nonemergency dental services.

Regulations. (a) The Commissioner of Social Services shall modify the extent of nonemergency adult dental services provided under the Medicaid program. Such modifications shall include, but are not limited to, providing one periodic dental exam, one dental cleaning and one set of bitewing x-rays each year for a healthy adult. For purposes of this section, "healthy adult" means a person twenty-one years of age or older for whom there is no evidence indicating that dental disease is an aggravating factor for the person's overall health condition.

(b) The commissioner may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided the commissioner prints notice of intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Such policies and procedures shall remain valid for three years following the date of publication in the Connecticut Law Journal unless otherwise provided for by the General Assembly. Notwithstanding the time frames established in subsection (c) of section 17b-10, the commissioner shall submit such policies and procedures in proposed regulation form to the legislative regulation review committee not later than three years following the date of publication of its intent to adopt regulations as provided for in this subsection. In the event that the commissioner is unable to submit proposed regulations prior to the expiration of the three-year time period as provided for in this subsection, the commissioner shall submit written notice, not later than thirty-five days prior to the date of expiration of such time period, to the legislative regulation review committee and the joint standing committees of the General Assembly having cognizance of matters relating to human services and appropriations and the budgets of state agencies indicating that the department will not be able to submit the proposed regulations on or before such date and shall include in such notice (1) the reasons why the department will not submit the proposed regulations by such date, and (2) the date by which the department will submit the proposed regulations. The legislative regulation review committee may require the department to appear before the committee at a time prescribed by the committee to further explain such reasons and to respond to any questions by the committee about the policy. The legislative regulation review committee may request the joint standing committee of the General Assembly having cognizance of matters relating to human services to review the department's policy, the department's reasons for not submitting the proposed regulations by the date specified in this section and the date by which the department will submit the proposed regulations. Said joint standing committee may review the policy, such reasons and such date, may schedule a hearing thereon and may make a recommendation to the legislative regulation review committee.